

REMARKS

Claims 1-7, 12-18, 20-31, 36-46 and 53-65 are pending. Claims 4, 6, 12, 18, 23, 28 to 31, 39, 42 to 44, 46, 53, 56, 60 and 63 to 65 were concluded to be allowable if written in independent form. Claims 61 and 62 were concluded to be allowable.

Claims 71 to 108 are new. New Claims 71, 72, 75, 76, 77, 79, 82, 83, 84, 87, 88, 89, 90, 91, 92, 99, and 104 are Claims 4, 6, 23, 28, 30, 39, 42, 46, 53, 56, 60, 63, 64, and 65 rewritten in independent form. Each rewritten claim includes all the limitations of its base claim and any intervening claims. New Claims 73, 74, 78, 80, 81, 85, 86, 93, 94, 95, 96, 97, 98, 100, 101, 102, 103, 105, 106, 107, and 108 are claims 12, 18, 29, 31, 39, 43, 63, 64, and 65 rewritten to depend from new Claims 73, 74, 78, 80, 81, 85, 86, 92, 93, 90, 99, and 105. It is believed that the new claims present the subject matter of those dependent claims, which the Examiner indicated as being allowable if rewritten, in a form suitable for allowance.

New Claim 71 is Claim 4 rewritten to include Claims 3 and 1.

New Claim 72 is Claim 6 rewritten to include Claims 5 and 1.

New Claim 73 is Claim 12 rewritten to depend from new Claim 72.

New Claim 74 is Claim 18 rewritten to depend from new Claim 71.

New Claim 75 is Claim 23 rewritten to include Claims 12 and 1.

New Claim 76 is Claim 28 rewritten to include Claims 27 and 24.

New Claim 77 is Claim 28 rewritten to include Claims 27 and 25.

New Claim 78 is Claim 29 rewritten to depend from new Claim 77.

New Claim 79 is Claim 30 rewritten to include Claims 29 and 25.

New Claim 80 is Claim 31 rewritten to depend from new Claim 79.

New Claim 81 is Claim 39 rewritten to depend from new Claim 76.

New Claim 82 is Claim 39 rewritten to include Claims 38, 37, 36, and 25.

New Claim 83 is Claim 42 rewritten to include Claim 24.

New Claim 84 is Claim 42 rewritten to include Claim 25.

New Claim 85 is Claim 43 rewritten to depend from new Claim 83.

New Claim 86 is Claim 43 rewritten to depend from new Claim 84.

New Claim 87 is Claim 46 rewritten to include Claim 45.

New Claim 88 is Claim 53 rewritten to include Claim 45.

New Claim 89 is Claim 56 rewritten to include Claims 55 and 45.

New Claim 90 is Claim 60 rewritten to include Claims 59 and 58.

New Claim 91 is Claim 63 rewritten to include Claim 57.

New Claim 92 is Claim 63 rewritten to include Claim 58.

New Claim 93 is Claim 63 rewritten to depend from new Claim 92.

New Claim 94 is Claim 63 rewritten to depend from new Claim 93.

New Claim 95 is Claim 63 rewritten to depend from new Claim 93.

New Claim 96 is Claim 63 rewritten to depend from new Claim 93.

New Claim 97 is Claim 64 rewritten to depend from new Claim 90.

New Claim 98 is Claim 64 rewritten to depend from new Claim 90.

New Claim 99 is Claim 64 rewritten to include Claims 63, 59, and 58.

New Claim 100 is Claim 64 rewritten to depend from new Claim 99.

New Claim 101 is Claim 64 rewritten to depend from new Claim 99.

New Claim 102 is Claim 64 rewritten to depend from new Claim 99.

New Claim 103 is Claim 65 rewritten to depend from new Claim 99.

New Claim 104 is Claim 65 rewritten to include Claims 64, 63, and 58.

New Claim 105 is Claim 65 rewritten to depend from new Claim 104.

New Claim 106 is Claim 65 rewritten to depend from new Claim 105.

New Claim 107 is Claim 65 rewritten to depend from new Claim 105.

New Claim 108 is Claim 65 rewritten to depend from new Claim 105.

Claim 44 was amended because it improperly depended from multiple dependent Claim 26. Claim 44 had been intended to depend from Claim 24 or 25. Therefore, Claim 44 has been amended to depend from Claims 24 or 25.

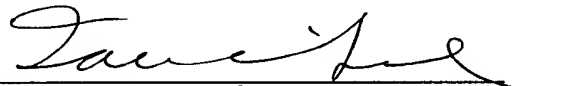
Claims 1 to 3, 5, 7, 13 to 17, 20 to 22, 24 to 27, 36 to 38, 40, 41, 45, 54, 55, 57 to 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoskaka (WO 9631121). Enclosed is a machine translation of one of the parent applications which is provided by the Japanese Patent Office. The organosilicone used is Sylgard 309 (Dow Corning) which in fact functions in the compositions to spread the compositions on the leaves (Paragraph 0008). The goal of the compositions disclosed in this reference is to kill all of the vegetation where the herbicide is applied (See paragraphs 003 and 004). This is exactly contrary to the claimed compositions,

wherein the object is to prevent injury to the crop plant by the herbicide. This is because the herbicide operates at the soil, page 4, lines 20 to 22 and page 12, lines 13 to 19 of the specification. Reconsideration of this rejection is requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

It is believed that Claims 1 to 7, 12 to 18, 20 to 31, 36 to 46, 53 to 65, and 71 to 108 are in condition for allowance. Notice of Allowance is requested.

Respectfully,



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Attachment: Machine Translation of W09631121

VERSIONS WITH MARKINGS TO SHOW CHANGES MADE

Claims 1, 24, 25, 44, 45, 57, and 58 have been amended as follows.



-1-(Twice Amended)

A composition for protecting cultivated plants comprising:

(a) at least one herbicide; and

(b) repellent adjuvant selected from the group

5 consisting of silane, silicone, siliconate and mixtures thereof which are organic for modifying surface properties of the composition so that retention of the composition on foliage of the cultivated plant is reduced to reduce herbicide injury to the cultivated plant by the
10 herbicide but which is effective from the soil.

-24-(Twice amended)

A method for protecting crop plants without injuring crop plants, the steps comprising:

(a) providing a herbicidal formulation comprising at least one herbicide admixed with a
5 repellent adjuvant selected from the group consisting of silane, silicone, siliconate and mixtures thereof which are organic wherein the repellent adjuvant modifies surface properties of the formulation thereby reducing retention of the formulation on foliage of crop plants to

10 reduce herbicide injury to the crop plant by the
 herbicide but which is effective from the soil; and

 (b) applying the formulation to the crop plants
 wherein the formulation bounces off the foliage onto the
 soil wherein the formulation protects the crop plants
15 without injuring the crop plants.

-25- (Twice amended)

 A method for inhibiting a weed without injuring
 turfgrass, the steps comprising:

 (a) providing a liquid dispersion of a
 herbicidal formulation comprising at least one herbicide
5 admixed with a repellent adjuvant which is an
 organosiliconate wherein the repellent adjuvant modifies
 surface properties of the formulation thereby reducing
 retention of the formulation on foliage of the turfgrass
 to reduce herbicide injury to the turfgrass by the
10 herbicide but which is effective from the soil; and

 (b) applying the formulation to the turfgrass
 wherein the formulation bounces off the foliage onto the
 soil wherein the formulation inhibits growth of the weed.

-44- (Amended)

 The method of Claim 24 or [26] 25 wherein the
 composition further comprises a monosaccharide to
 potentiate the effect of the herbicide in killing the
 weeds without decreasing tolerance of the crop plant to
5 the herbicide.

-45-(Twice amended)

A method for applying one or more postemergence herbicides for controlling weeds to a crop plant without injuring the crop plant, the steps comprising:

5 (a) providing a composition comprising at least one herbicide admixed with a repellent adjuvant which is an organosiliconate wherein the repellent adjuvant modifies surface properties of the formulation thereby reducing retention of the formulation on foliage of crop plants to reduce herbicide injury to the crop plant by
10 the herbicide but which is effective from the soil; and

(b) applying the formulation to the plants wherein the formulation bounces off the foliage onto the soil wherein the formulation controls the weeds without injuring the crop plant.

-57-(Twice amended)

A composition for protecting cultivated plants comprising:

(a) an acetochlor herbicide;

5 (b) a safener selected from the group consisting of 4-(dichloroacetyl)-1-oxo-4-azaspiro-(4,5)-decane, 2,2-dichloro-N,N-di-2-propenylacetamide, 3-dichloroacetyl-5-(2-furanyl)-2,2-dimethyl-oxazolidine, 2,2,5-trimethyl-N-dichloroacetyloxazolidine, 2,2-dimethyl-5-phenyl-N-dichloroacetyl oxazolidine, N,N-

10 diallyl-2,2-dichloroacetamide, 2,2-dimethyl-5(2-furanyl)-

N-dichloroacetyl oxazolidine, 2,2-dimethyl-5(2-thienyl)-
N-dichloroacetyl oxazolidine, 2,2-spirocyclohexy-N-
dichloroacetyl oxazolidine, 4-(dichloroacetyl)-3,4-
dihydro-3-methyl-2H-1,4-benzoxazine, 3-[3-
15 (dichloroacetyl)-2,2-dimethyl-5-oxalidinyl]pyridine, 4-
(dichloroacetyl)-1-oxa-4-azapiro-(4,5)-decane, 2,2-
dichloro-1-(1,2,3,4-tetrahydro-1-methyl-2-
isoquinolyl)ethanone, cis/trans-1,4-bis(dichloroacetyl)-
2,5-dimethylpiperazine, N-(dichloroacetyl)-1,2,3,4-
20 tetrahydroquinaldine, 1,5-bis(dichloroacetyl)-1,5-
diazacyclononane, 1-(dichloroacetyl)-1-
azaspiro[4,4]nonane, and combinations thereof; and

(c) a repellent adjuvant which is an
organosiliconate for modifying surface properties of the
25 composition so that retention of the composition on
foliage of the cultivated plant is reduced to reduce
herbicide injury to the cultivated plant by the herbicide
but which is effective from the soil.

-58-(Twice amended)

A composition for protecting cultivated plants
comprising:

(a) one or more of a herbicide selected from
the group consisting of [nicosulfron] nicosulfuron,
5 [glyphosphate] glyphosate, [glyphosphate, primisulfron]
primisulfuron, chlorimuron, glufosinate-ammonium salt,
linuron, linuron and chlorimuron ethyl, thifensulfuron,
imazethapyr, imazaquin, acetochlor, alachlor, S-

ethyldipropylthiocarbonate, isoxaflutole, flufenacet,
10 metalachlor, and combinations thereof; and

(b) a repellent adjuvant which is an
organosiliconate for modifying surface properties of the
composition so that retention of the composition on
foliage of the cultivated plant is reduced to reduce
15 herbicide injury to the cultivated plant by the herbicide
but which is effective from the soil.